

Remarks

Favorable reconsideration of this application, in view of the above amendments and in light of the following remarks and discussion, is respectfully requested.

Claims 1-19 are currently pending in the application; Claims 1-14 having been amended, and new Claims 15-19 having been added, by way of the present response. Applicants respectfully assert that support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and that therefore no new matter has been added.

In the outstanding Office Action Claims 1-4 were rejected under 35 U.S.C. § 112, second paragraph; and Claims 1-5 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,300,908 to Stone et al. (Stone).

Initially, Applicants express thanks for the Examiner's indication that Claims 6, 8, 10, and 12-14 are allowed. Applicants have amended the claims in a non-narrowing manner to remedy potential informalities and to place the claims in better conformity with standard U.S. practice. Thus, Applicants respectfully assert that Claims 6, 8, 10, and 12-14 remain allowable.

Applicants further express thanks for the Examiner's indication that Claims 7 and 11 recite allowable subject matter, such that the claims although having been objected to were indicated as would be allowable if rewritten in independent form. In response, Applicants have so-rewritten Claim 7. Applicants respectfully assert that Claim 11 depends from newly independent Claim 7. Applicants have further amended Claims 7 and 11 in a non-narrowing manner to remedy potential informalities and to place the claims in better conformity with standard U.S. practice. Thus, in accordance with the Examiner's indication of allowable subject matter, Applicants respectfully request the allowance of Claims 7 and 11.

As stated above Claims 1-4 were rejected under 35 U.S.C. § 112, second paragraph. In response, Applicants have amended independent Claim 1 to remove the recitation of “for receiving an operating element of an actuator,” and have further amended the independent claim to recite “an operating element disposed on an actuator.” Thus, Applicants respectfully request that the rejection of Claims 1-4 under 35 U.S.C. § 112, second paragraph, be withdrawn.

As stated above Claims 1-5 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Stone. Applicants respectfully assert that the amendments to the claims have overcome the rejection for the following reasons.

Applicants have amended independent Claims 1 and 5 to recite differing features of the invention, have amended Claims 1-5 and 9 in a non-narrowing manner to remedy potential informalities and to place the claims in better conformity with standard U.S. practice, and have added new Claims 15-19.

The present invention is directed to a magnetic damper, and an actuator including the magnetic damper. Independent Claims 1 and 5 recite a movable braking plate including a magnetic material and configured to contact an operating element at a stroke end. A stator includes a permanent magnet or an electromagnet configured to attract the braking plate by a magnetic force. The stator and the braking plate are configured such that a magnetic attraction force acting therebetween is used as a braking force to stop the operating element.

The Office Action asserts that the plunger 11 and the electromagnets 3 and 8 of Stone are analogous to the claimed features of a movable braking plate and a stator, respectively. Applicants respectfully assert that even if Applicants agreed with these assertions, which Applicants do not, Stone still does not teach the claimed features recited in independent Claims 1 and 5.

Specifically, Applicants respectfully assert that Stone does not teach the claimed features of a stator, which includes a permanent magnet or an electromagnet, and a braking plate, which includes a magnetic material, configured such that a magnetic attraction force acting therebetween is used as a braking force to stop an operating element, as recited in the independent claims. Rather, Applicants respectfully assert that Stone does not show or state a magnetic attraction force between the plunger 11 (asserted in the Office Action as being analogous to the claimed feature of the movable braking plate) and the electromagnets 3 and 8 (asserted in the Office Action to be analogous to the claimed features of stator) used as a braking force to stop an operating element. Instead, Applicants respectfully assert that Stone states that anti-residual pads 28 at each end of the plunger 11 are “[a]n important part of the invention” because the pads have the functions of “absorb[ing] the impact of the plunger against the backstop” and “us[ing] their resiliency to “kick-off” the plunger in the reverse direction.”¹ Restated, Applicants respectfully assert that Stone does not show or state a magnetic attraction force acting between the plunger 11 and the electromagnets 3 and 8 used as a braking force, but rather states the anti-residual pads 28 brake movement of the plunger 11, and at least seems to imply that it is advantageous if the plunger 11 is not braked (e.g., by a magnetic attraction force acting with the electromagnets 3 and 8) before the pads 28 impact the backstop, so that the pads 28 are able to “use their resiliency to “kick-off” the plunger in the reverse direction” to a largest possible degree.

In particular, independent Claims 1 and 5 recite, in relevant part, “the stator and the braking plate are configured such that a magnetic attraction force acting therebetween is used as a braking force to stop the operating element.” Thus, Applicants respectfully request that the rejection of independent Claims 1 and 5 under 35 U.S.C. § 102(b) be withdrawn, and the allowance of independent Claims 1 and 5.

¹ From Column 3, line 65 to Column 4, line 13.

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Applicants respectfully assert that Claims 2-4 and 9 are allowable for the same reasons as independent Claims 1 and 5, from which they respectively depend, as well as for their own features. Thus, Applicants respectfully request that the rejection of dependent Claims 2-4 and 9 under 35 U.S.C. § 102(b) be withdrawn, and the allowance of dependent Claims 2-4 and 9.

Applicants respectfully assert that new independent Claim 15, as well as Claims 16-19 depending therefrom, are allowable for reasons similar to those of independent Claim 1. Thus, Applicants respectfully request the allowance of new Claims 15-19.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-19 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

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Respectfully submitted,

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